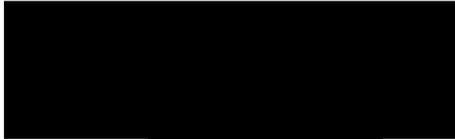


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**U.S. Citizenship
and Immigration
Services**

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FILE: [Redacted]
MSC 02 243 62066

Office: DALLAS

Date: OCT 04 2007

IN RE: Applicant: [Redacted]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Dallas, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

The applicant provides additional documentation in support of the appeal.

An applicant for permanent resident status must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

The "preponderance of the evidence" standard requires that the evidence demonstrate that the applicant's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case. *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). In evaluating the evidence, *Matter of E-M-* also stated that "[t]ruth is to be determined not by the quantity of evidence alone but by its quality." *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Even if the director has some doubt as to the truth, if the applicant submits relevant, probative, and credible evidence that leads the director to believe that the claim is "probably true" or "more likely than not," the applicant or petitioner has satisfied the standard of proof. *See U.S. v. Cardozo-Fonseca*, 480 U.S. 421 (1987) (defining "more likely than not" as a greater than 50 percent probability of something occurring). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

Although Citizenship and Immigration Services (CIS) regulations provide an illustrative list of contemporaneous documents that an applicant may submit, the list also permits the submission of affidavits and any other relevant document. 8 C.F.R. § 245a.2(d)(3)(vi)(L).

On a form to determine class membership, which he signed under penalty of perjury on April 25, 1990, the applicant stated that he first arrived in the United States on December 20, 1980, when he entered as an illegal alien. On his Form I-687 application, which he also signed under penalty of perjury on April 25, 1990, the applicant stated that he worked at [REDACTED] (no city or state given), as a carpet layer from January 4, 1981 to December 1, 1989. In block 33 of the Form I-687, where applicants are asked to list all residences since their arrival in the United States, the applicant listed only one residence: [REDACTED] where he stated that he lived from April 1, 1987 to the date of the Form I-687 application.

In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant submitted the following evidence:

1. A June 15, 2003 notarized statement from [REDACTED], in which he stated that he had known the applicant since 1980, and that the applicant lived with him at [REDACTED]. [REDACTED] did not identify the dates that the applicant lived with him, and did not state the circumstances surrounding his initial acquaintance with the applicant.
2. An April 24, 1990 letter signed by [REDACTED]. The letter is on [REDACTED] letterhead and states that the applicant worked for [REDACTED] who was a sub-contractor of [REDACTED] from January 4, 1981 to December 1, 1989. The letter does not state [REDACTED]'s position with the company or his authority for providing the information on behalf of [REDACTED]. Additionally, the letter does not provide the applicant's position with [REDACTED], his wages, the source of the information regarding either [REDACTED]'s employment or that of the applicant, or the applicant's address at the time of his employment with [REDACTED] as required by 8 C.F.R. § 245a.2(d)(3)(i). According to documentation retrieved on April 12, 2004 by the district office from the State of Texas Comptroller of Public Accounts, [REDACTED] was incorporated on May 3, 1982.
3. A September 16, 2003 sworn letter from [REDACTED], in which he stated that the applicant lived with him at [REDACTED] from March 1982 to May 1987, and that he was always on time with his rent.¹ As discussed below, copies of utility bills for the address at [REDACTED] are addressed to [REDACTED], who the applicant identifies as [REDACTED] and his cousin. The applicant submitted no documentation to corroborate that he paid rent to [REDACTED].
4. A September 16, 2003 letter from Saint Edward Catholic Church in Dallas, signed by Reverend [REDACTED]. [REDACTED] stated that he had known the applicant as a member of the church since November 1982. The letter does not indicate the source of the information contained in the letter and does not indicate the applicant's address at the time of his membership in the church. 8 C.F.R. § 245a.2(d)(3)(v). In an attempt to verify this information, the district office called Saint Edward Catholic Church on April 13, 2004, and was informed that [REDACTED] served at the church for only one and a half years. In response to the director's Notice of Intent to Deny (NOID) issued on July 27, 2004, the applicant stated that [REDACTED] left Saint [REDACTED] for a period and then came back for a period of eighteen months. The applicant, however, did not provide any evidence to support his statement, indicating that [REDACTED] "no longer resides in the United States." It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).
5. A June 15, 2003 notarized letter from [REDACTED] in which she stated that she had known the applicant since 1982. [REDACTED] did not state the circumstances of her initial acquaintance with the applicant or that he resided in the United States during the qualifying period.

¹ [REDACTED] indicated that the date of the applicant's residence was from 1992 to 1987. However, we treat this as a typographical error, and read the dates as 1982 to 1987.

6. A June 13, 2003 sworn letter from [REDACTED] in which he attests that he had known the applicant since the fall of 1984, and that they met during the time [REDACTED] was coaching soccer. [REDACTED] stated that he coached soccer from 1972 to 1990, but did not state how he dated his relationship with the applicant.
7. Three copies of retail installment contracts from [REDACTED] two of which are dated in 1984 and 1986. The third date is illegible. Additionally, the names on the contract are illegible.
8. Copies of bills from DP&L for service periods September 13, 1982 to October 13, 1982 and December 13, 1982 to January 14, 1983. The bills show the customer as [REDACTED] and service address as [REDACTED]. Although the documents show an apartment, no apartment number is included.
9. Copies of utility bills from Dallas Water Utilities for [REDACTED] dated in 1983, 1984, 1985, 1986 and 1987. The bills, however, do not identify a customer for the address on Vincent Avenue.

In response to the NOID, the applicant stated that [REDACTED] is his cousin, and that the utilities were in his name because the applicant, as an illegal alien, was unable to obtain services in his own name. As discussed above, [REDACTED] stated that the applicant paid him rent. However, the applicant submitted no documentation to corroborate that he lived with his cousin at any time. On his Form I-687 application, the applicant listed no addresses at which he lived prior to 1987.

The applicant also submitted an August 25, 2004 letter from [REDACTED] in which she stated that the applicant told her he was treated in her office in 1982. [REDACTED] was unable to verify the applicant's treatment because her "medical records are retired after five years."

On appeal, the applicant submits a March 22, 2005 letter from [REDACTED] who identifies himself as the president of United [REDACTED] located in Desoto, Texas. [REDACTED] states that [REDACTED] was in business from 1981 to January 1991 before changing its name to United [REDACTED]. [REDACTED] confirmed his earlier statement that the applicant worked for [REDACTED] who worked for [REDACTED] as a subcontractor. [REDACTED] stated that he also worked for the company, which was owned by his father-in-law, and that all of the records of the company have been destroyed. [REDACTED] did not state the source of the information that he relied upon in providing the information regarding the applicant's employment.

While it is conceivable that the [REDACTED] was in existence in 1981 and was not incorporated until 1982, the applicant provided no verifiable evidence that he worked for [REDACTED] from the date that [REDACTED] began working for [REDACTED]. As stated in 8 C.F.R. § 245a.12(e), evaluation of the applicant's documentation is a factor of the extent of the documentation, its credibility and amenability to verification. The district office was unable to independently verify any of the information provided by the applicant. Further, the affidavits and other statements provided by the applicant lack sufficient details to establish by a preponderance of the evidence that the applicant resided in the United States during the qualifying period.

Accordingly, it is concluded that the applicant has failed to establish continuous residence in the U.S. for the required period.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.